

Remarks

Claims 1-4, 6-13, 23-26 and 32-38 are pending. Claims 1-4, 6-13, 23, 25, 26 32-34, 36 and 38 are allowed. Claims 24, 35 and 37 are rejected on alleged written description and indefiniteness grounds.

In response, applicants amend claims 24, 35 and 37 to bring them in condition for allowance. Further comments are provided that describe how amendments meet the Examiner's rejections and place the claims in condition for allowance.

Rejections under 35 U.S.C. § 112

Claim 37

On page 2 of the office action, the Examiner rejects claim 37 because "the specification fails to recite 'non-hyaluronic acid glycosaminoglycans.'" However, the specification does indicate this. Applicants note that page 2 lines 3-4 explain that hyaluronic acid is a type of glycosaminoglycan. A later statement on page 6 lines 16-17 "or further glycosaminoglycans" means additional glycosaminoglycans in addition to the hyaluronic acid variety. Since one type is already present, grammatical logic requires this statement (further glycosaminoglycans) to mean glycosaminoglycans except for hyaluronic acid.

Thus, one type of glycosaminoglycan is already added as a hyaluronic acid derivative and a skilled artisan in the field of the invention would understand that some glycosaminoglycans are included within the previous recitation, and that "further glycosamino glycans" with biological activity are intended for optional further addition to "optimize the property of the matrix of populating cells" (p. 6 line 13-14). To make this point more clear the claim has been amended to include the specific words from the specification. This amendment clarifies a meaning that already is understood by a skilled artisan and does not narrow the claim scope. The new

recitation directly comes from this passage, mooted the written description issue. Reconsideration and allowance of the amended claim courteously are solicited.

Claim 24

Claim 24 was rejected on page 3 of the office action for lacking process steps. In response, the following steps are added to this claim by amendment.

dissolving or suspending the hyaluronic acid derivative and the hydrolyzed collagen in a first solvent;

adding a pulverulent compound that is virtually insoluble in the first solvent, but which is soluble in a second solvent in which the hyaluronic acid derivative and hydrolyzed collagen are virtually insoluble; and

removing the first solvent.

These steps are taken directly from the specification on page 7 lines 13-24 and no new terms or procedures have been added. Reconsideration and allowance in view of the added steps respectively are solicited.

Claim 35

On page 3 of the office action, claim 35 was rejected as being "unclear by reciting 'differentiated tissue comprises in-vivo differentiated of a connective and supportive apparatus.'" In response, this claim has been amended to recite:

" wherein said tissue is differentiated in-vivo and is suitable for forming connective and supportive apparatus."

The language added to this claim: "suitable for the tissue.....types of the connective and supportive apparatus" is taken from the specification. See, for example page 12 lines 23-25 and 29-31. No new matter has been added.

Reconsideration and allowance are requested.

Claim 37

Claim 37 was rejected as allegedly "unclear as to glycosaminoglycans that are non-hyaluronic acid." The amended claim now recites "further glycosamino glycans." The context of this term, with the knowledge of the skilled artisan very clearly means glycosamino glycans other than those already added. A worker who adds one type of glycosamino glycan to make the matrix, clearly knows that another type added for biological activity differs, by conscious choice. Accordingly, the claim meaning is clear as a logical statement. Reconsideration and allowance of the amended claim courteously is solicited.

Reconsideration and allowance in view of the clarifying amendments and explanation earnestly are requested.

Conclusion:


In view of the foregoing remarks and amendments, reconsideration and allowance of the remaining claims are requested. If any issues remain that could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner respectfully is requested to contact the undersigned.

Respectfully submitted,

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